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Planning Commission Date: March 10, 2004

Item No.

## MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Staci Pereira

Public Hearing: Yes: X No: \_\_\_\_\_

Notices Mailed On: 2-27-04

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**TITLE:** USE PERMIT AMENDMENT NO. UA2004-3 AND "S" ZONE APPROVAL AMENDMENT NO. SA2004-12

**Proposal:** Request for a new 15-foot tall freestanding sign to replace an existing monument sign for a Shell Gas Station, zoned Highway Service.

**Location:** 990 Jacklin Road (APN 28-05-016)

**RECOMMENDATION:** Approval with conditions.

**Applicant:** Arc Inc., Attn: Don Duhamel, 940 Tyler Street, Suite 23, Benicia, CA 94510

**Property Owner:** Shell Oil Products, 12700 Northborough Drive, Houston, TX 77067

**Assessee:** Equilon Enterprises LLC, 1161 Embarcadero Road, Palo Alto, CA 94303-3152

**Previous Action(s):** "S" Zone approval and amendments, use permit

**Environmental Info:** Exempt

**General Plan Designation:** Highway Service

**Present Zoning:** Highway Service

**Existing Land Use:** Gasoline Service Station

**Agenda Sent To:** Applicant & owner (both noted above)

**Attachments:** Plans

**PJ No.** 2364

### BACKGROUND

On October 26, 1978, the Planning Commission approved an "S" Zone Approval and Use Permit No. 390 for a self-serve gas station for Shell Oil Company with a subsequent approval by the

Redevelopment Agency on November 22, 1978. On November 16, 1978, the Planning Commission approved Use Permit No. 392 for a 16-foot tall freestanding sign comprised of slumpstone and wood for the gas station. On December 3, 1985, the Planning Commission approved an "S" Zone Approval Amendment and Use Permit No. 749 for addition of a car wash building, enlargement of the existing kiosk and associated landscape modifications. Subsequent amendments approved by the Planning Commission include removal of the restroom screen wall and relocation of cashier's booth in 1986, addition of a dispenser island, new building sign and awning in 1988, and a building color change in 1995.

### **Site Description**

The subject site is located at the southwest corner of Jacklin Road and I-680, just east of Hillview Drive. Further west lies N. Milpitas Blvd with N. Park Victoria Drive to the east of I-680.

The 0.66-acre site consists of 3 rows of service islands covered by a large canopy, cashier's kiosk, carwash building, trash enclosure and a small storage building with public restrooms. The site is accessed from two driveways off of eastbound Jacklin Road and via the parcels to the west and south. Three large landscape planter areas are located along the north, east and south perimeters of the site.

### **THE APPLICATION**

The Use Permit Amendment application is submitted pursuant to Chapter 30, Section 3.03 (c) (Freestanding signs over six feet in height) and Chapter 10, Section 57.00 (Conditional Use Permits) and the "S" Zone Approval Amendment is pursuant to Chapter 10, Section 42.10 of the Milpitas Zoning Ordinance.

### **Project Description**

The applicant requests to remove the existing 16-foot tall monument sign in the northeast landscape planter and replace it with a new 15-foot tall sign in the same location. The new sign would be two-sided and comprised of a 15'(h) x 4'(l) x 9'(w) aluminum frame with a gray base for display of gas prices and a white top with the shell logo in red and yellow. The panels for the signage would be plastic with interior illumination and the gas types in white lettering and the gas prices in black lettering.

### **Conformance with the General Plan**

The proposed project complies with the City's General Plan in terms of Guiding Principle 3.b-G-1 in that the sign serves to direct vehicles in the facility which assists in providing for a safe, convenient and efficient vehicular movement within the Highway Service area.

### **Conformance with the Zoning Ordinance**

The project complies with the Zoning Ordinance in that it is consistent with the purpose and intent of the Highway Service District that assists in providing personal and business services oriented toward the automobile customer. In addition, the project does not conflict with any of the district's development standards.

### Conformance with the Sign Ordinance

The site has approximately 124 lineal feet of street frontage along Jacklin Road. Per the Sign Ordinance, Section 3.03 (Freestanding Signs), which allows one (1) freestanding sign for each individual parcel's public street frontage, the parcel is permitted 1 freestanding sign. Additionally, to determine maximum height for freestanding signs, one (1) foot of height, to a maximum of 25 feet for each eight (8) feet of public street frontage is allowed. Thus, the height of the proposed monument sign is in conformance with the sign ordinance, which would allow 1 freestanding sign up to 15'-6" tall if deemed appropriate through a use permit process.

Based on 124 lineal feet of street frontage, the total signage permitted for the site is 248 square feet (2 square feet of sign are per lineal foot of street frontage). The existing building signage is approximately 51 square feet. The proposed freestanding sign would consist of 46 square feet (only count one-side of sign since width is less than 24 inches). Thus, the addition of the new signage to the site, total of 97 square feet of sign area, is well within the total allotted to the site.

### Conformance with the "S" Zone Combining District

The project complies with the "S" Zone Combining District in that the proposed freestanding sign is attractive and harmonious with the subject building and site and replaces a massive (taller and broader), outdated and unattractive sign. In addition, the materials used are durable and result in a high quality finish. However, to address the bare area that would result from a freestanding sign with a smaller base, *staff recommends* a condition of approval that a new landscape area around the base of the new sign (consistent with the outline of the old sign base) be planted with annual flowers and replaced seasonally. In addition, *staff recommends* all landscaping missing from the original landscape plan be replaced. Staff concludes, as conditioned, that no adverse visual impacts would result from the proposed project in terms of height, location, color or materials.

### Community Impact

Staff concludes that the project, as conditioned, will meet the requirements as set forth within the City of Milpitas regulations and will not create a negative community impact. The freestanding sign is compatible with other service station signs in the Highway Service District and it is consistent with colors used elsewhere on the site, specifically on the building. In addition, the interior illumination is not anticipated to create any glare. There are no noise, odor, traffic or parking impacts associated with the project. Therefore, as conditioned, the project will not create any adverse community impacts and will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.

### Conformance with CEQA

The proposed project is categorically exempt from further environmental review pursuant to Class 11, Section 15311 ("Accessory Structures – On-premises Signs") of the California Environmental Quality Act (CEQA) Guidelines.

## RECOMMENDATION

Close the Public Hearing. Approve Use Permit Amendment No. UA2004-3 and "S" Zone Approval Amendment No. SA2004-12 based on the Findings and Special Conditions of Approval listed below.

## FINDINGS

1. The proposed project complies with the City's General Plan in terms of Guiding Principle 3.b-G-1 in that the sign serves to direct vehicles in the facility which assists in providing for a safe, convenient and efficient vehicular movement within the Highway Service area.
2. The project complies with the Zoning Ordinance in that it is consistent with the purpose and intent of the Highway Service District that assists in providing personal and business services oriented toward the automobile customer. In addition, the project does not conflict with any of the district's development standards.
3. The project complies with the "S" Zone Combining District in that the freestanding sign is attractive and harmonious with the subject building and site and replaces a massive (taller and broader), outdated and unattractive sign.
4. The proposed project is consistent with the City's Sign Ordinance in terms of number of monument signs, sign height, and sign area.
5. As conditioned, the project will not create any adverse community impacts and will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.
6. The proposed project is categorically exempt from further environmental review pursuant to Class 11, Section 15311 (Accessory Structures – On-premise signs) of the State CEQA Guidelines.

## SPECIAL CONDITIONS

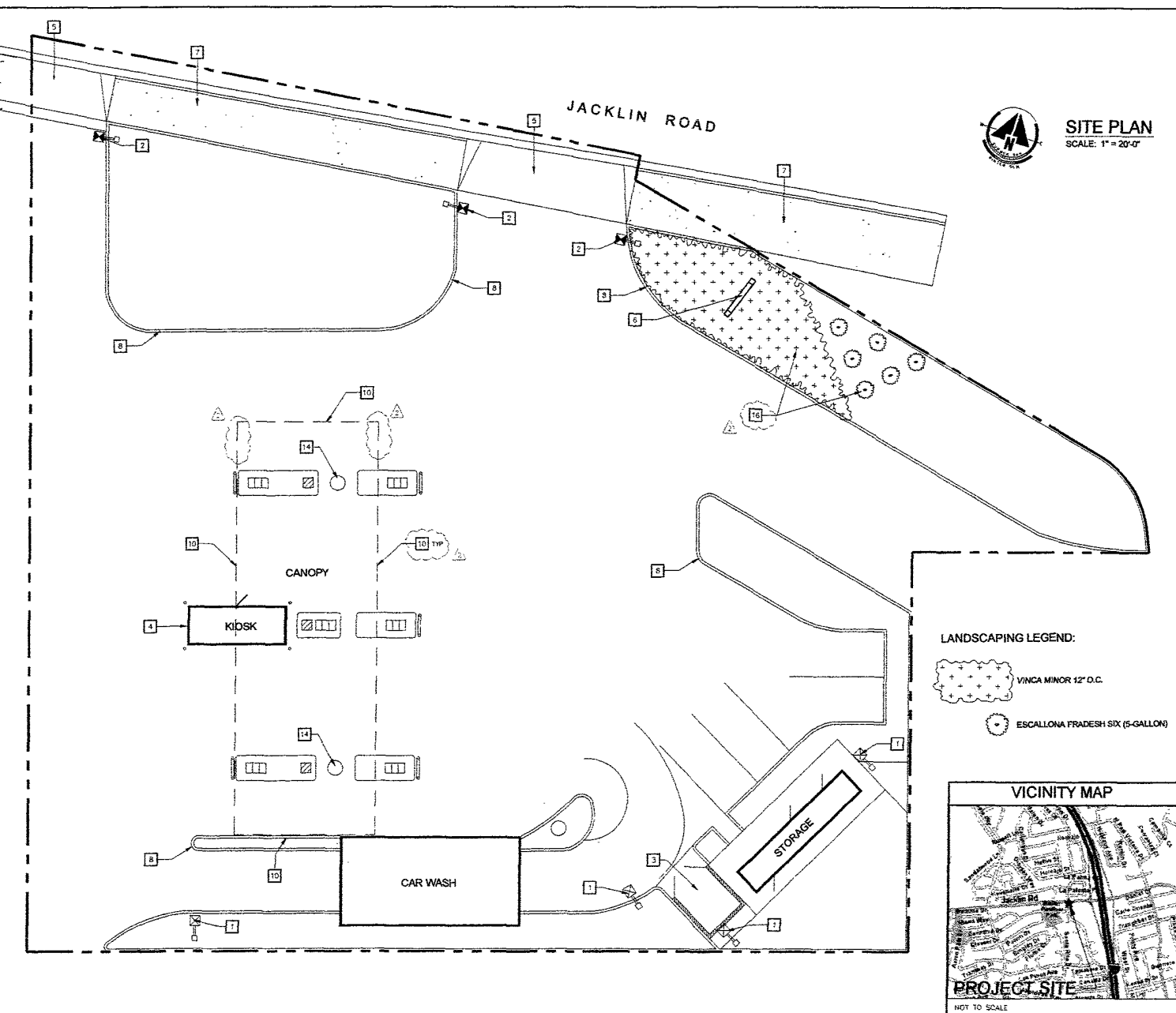
1. This Use Permit No. UA2004-3 and "S" Zone Approval Amendment No. SA2004-12 approval is for a new 15-foot tall freestanding sign, as shown on the approved plans dated March 10, 2004. Any modifications to the conditions of approval require Planning Commission approval of an amendment to this Use Permit and a public hearing. (P)
2. This approval does not include any repainting or building signage shown on plans, which is being reviewed under a separate permit. (P)
3. Prior to building permit issuance, the landscape plans shall include:
  - a. A new landscape area around the base of the new sign, consistent with the outline of the old sign base, planted with annual flowers and replaced seasonally;

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- b. Replacement of missing (6) 5-gallon Escallonia Fradesch 'Newport Dwarf' in landscape planter adjacent to the restrooms, immediately north and east of vacuum/air/water station; and
  - c. Replacement of missing Vinca Minor 'Dwarf Periwinkle' groundcover to fill in bare areas in northeast landscape planter. (P)
- 4. All required landscaping shall be replaced and continuously maintained as necessary to provide a permanent, attractive and effective appearance. (P)
  - 5. If at the time of application for building permit there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
  - 6. If at the time of application for a certificate of occupancy there is a project job account balance due to the City for recovery of review fees, a certificate of occupancy shall not be issued until the balance is paid in full. (P)
  - 7. This use shall be conducted in compliance with all appropriate local, state, and federal laws and regulations and in conformance with the approved plans. (P)



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**PROJECT INFORMATION**

COST CENTER NUMBER: 135594

RVI LEVEL: 2

CANOPY STYLE: MANSARD

**RECEIVED**  
FEB 3 2004  
CITY OF MILPITAS  
PLANNING DIVISION

**SHEET INDEX**

A-1 SITE PLAN  
A-2 BUILDING ELEVATIONS  
A-3 EXISTING BUILDING PHOTOS  
A-4 CANOPY ELEVATIONS  
A-5 EXISTING CANOPY PHOTOS  
A-6 SIGNAGE DETAILS

- SHEET NOTES**
- 1 EXISTING YARD LIGHT FIXTURE & POLE TO BE PAINTED #53 WHITE
  - 2 EXISTING LOW LEVEL LIGHT FIXTURE TO BE PAINTED #51 DARK GRAY
  - 3 NOT USED
  - 4 NOT USED
  - 5 EXISTING DRIVEWAY TO REMAIN
  - 6 EXISTING PRIME SIGN TO BE REPLACED. SEE DETAIL 3/A-6
  - 7 EXISTING SIDEWALK TO REMAIN
  - 8 EXISTING CURB TO BE REPAINTED #51 DARK GRAY
  - 9 NOT USED
  - 10 EXISTING CANOPY ROOF ENDS TO BE PAINTED #53 WHITE
  - 11 NOT USED
  - 12 NOT USED
  - 13 NOT USED
  - 14 EXISTING ROUND PLANTER TO REMAIN TO BE PAINTED #53 WHITE
  - 15 NOT USED
  - 16 EXISTING LANDSCAPE TO BE ENHANCED

- SCOPE OF WORK**
- 1) EXISTING BUILDING AND CANOPY SIGNS TO BE REMOVED OR REPLACED
  - 2) NEW SIGNS TO BE INSTALLED AS NOTED
  - 3) EXISTING BUILDING, DOORS AND CANOPY COLUMNS TO BE PAINTED
  - 4) EXISTING PUMP VALANCES TO BE REPLACED
  - 5) MONUMENT SIGN TO BE REPLACED

- GENERAL NOTES**
- A) EXISTING SITE CONFIGURATION AND MARKINGS TO REMAIN UNCHANGED UNLESS SPECIFICALLY NOTED
  - B) ALL PARKING STALL LINES TO BE RE-PAINTED. ACCESSIBLE STALLS AND ACCESSIBLE PATH OF TRAVEL TO BE PAINTED OSHA BLUE
  - C) EXISTING "ETD" SIGNS SHALL BE REMOVED
  - D) EXISTING PECTEN SIGNS SHALL BE REMOVED
  - E) IF CURBS HAVE BEEN PREVIOUSLY PAINTED, RE-PAINT DARK GRAY IF THEY ARE NATURAL. THEY ARE TO REMAIN NATURAL AND IF THE CURBS ARE SEAL FORMED THE CURBS MUST BE PAINTED DARK GRAY
  - F) FIELD VERIFY YARD LIGHT AND SIGN LOCATIONS
  - G) EXISTING SIGNS TO BE REPAINTED
  - H) EXISTING YARD LIGHTS AND POLES TO BE PAINTED #51 DARK GRAY. VERIFY IN FIELD.

**REVISION HISTORY**

DATE	DESCRIPTION
-	-
1-16-04	EXISTING CANOPY KATODA TO REMAIN TO BE PAINTED #53 WHITE, EXISTING STILES TO REMAIN WITH EXISTING COLOR
-	-
-	-

**ARC Inc.**  
ARCHITECTS

940 Tyler Street, Suite 23  
San Jose, CA 95129  
Tel: (707) 749-0802  
Fax: (707) 749-0592  
arc@arcincarchitects.com

**SHELL RVI RETROFIT  
COST CENTER#135594  
MANSARD CANOPY-LEVEL 2  
900 JACKLIN ROAD  
MILPITAS, CALIFORNIA**

**SITE PLAN**

**A - 1**

JOB NO. TC137

(A) **Car Wash**

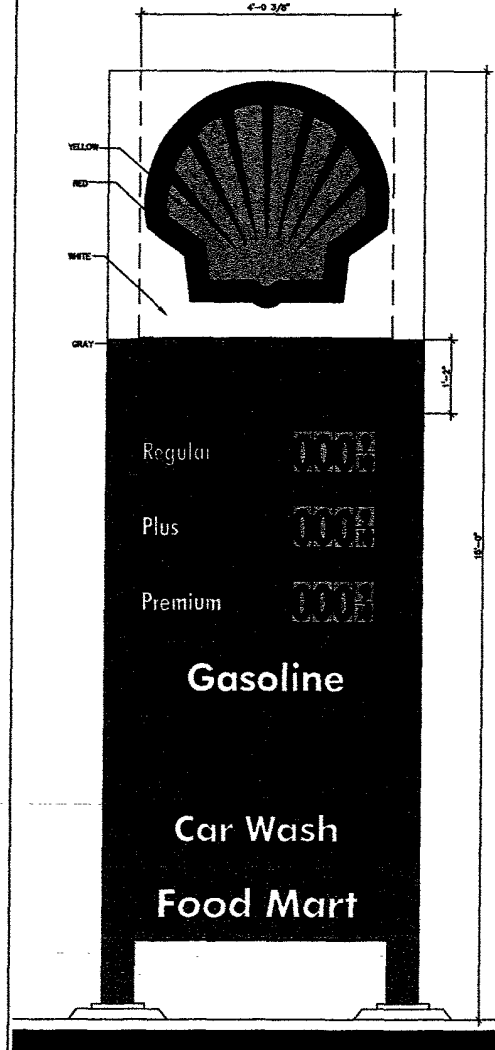
(B) **Enter**

(C) **Exit**

(D) NOT USED

(E) NOT USED

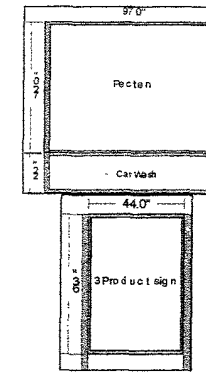
(F) **Shell**



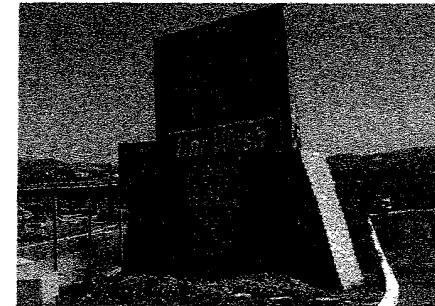
(3) PROPOSED NEW MONUMENT SIGN  
SCALE: 1/2" = 1'-0"

SIGNAGE CALCULATION		
	EXISTING SIGNAGE	NEW SIGNAGE
BUILDING	0 S.F.	0 S.F.
POP SIGN	15 S.F.	0 S.F.
CANOPY	0 S.F.	25 S.F.
CAR WASH	36 S.F.	7 S.F.
TOTAL	51 S.F.	32 S.F.

MONUMENT SIGN CALCULATION		
	EXISTING SIGNAGE	NEW SIGNAGE
PRIME SIGN	64 S.F.	16 S.F.
SECONDARY	0 S.F.	0 S.F.
TOTAL	64 S.F.	16 S.F.



(4) EXISTING PRIME SIGN DIMENSIONS  
SCALE: N.T.S.



(2) EXISTING PRIME SIGN-PHOTO (TO BE REPLACED)  
SCALE: N.T.S.

**ARC Inc.**  
ARCHITECTS

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SHELL RVI RETROFIT  
COST CENTER#135594  
MANSARD CANOPY-LEVEL 2  
900 JACKLIN ROAD  
MILPITAS, CALIFORNIA

DRAWN BY: DY

REVIEWED BY:

APPROVED BY:

DATE: 7-8-03

REV. NO. REV. DATE

9-15-03

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SIGNAGE  
DETAILS

**A - 6**

JOB NO: TC137

(1) SIGNAGE  
SCALE: 1/2" = 1'-0"